

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A PLACE FOR ROVER, INC., a Delaware
corporation,

Plaintiff,

v.

MAD PAWS PTY. LTD., an Australian
private company,

Defendant.

NO. 2:16-cv-342

COMPLAINT

INTRODUCTION

A Place for Rover, Inc. (“Rover”) brings this action against Mad Paws Pty. Ltd. (“Mad Paws”), the owner and operator of the web site located at www.madpaws.com.au/ (the “Infringing Site”), alleging copyright infringement. Mad Paws’ copying and reproduction of Rover’s copyrighted HyperText Markup Language (“HTML”) underlying Rover’s website, www.rover.com, infringes Rover’s intellectual property rights. Accordingly, Rover seeks damages, injunctive relief, and attorneys’ fees as described herein.

THE PARTIES

1. Rover is a corporation formed under the laws of the State of Delaware with its principal place of business located at 2101 4th Avenue, Suite 400, Seattle, Washington 98121.

2. Upon information and belief, Mad Paws is an Australian private company with its

1 principal places of business located at 62 Birkley Rd, Manly NSW 2095 and 608 Harris Street,
2 Ultimo NSW 2007, Australia.

3 **JURISDICTION AND VENUE**

4 3. This Court has subject-matter jurisdiction over this action under 28 U.S.C.
5 §§ 1331 and 1338 because it alleges violations of the Copyright Act, 17 U.S.C. § 101 *et seq.*

6 4. This Court has personal jurisdiction over Mad Paws because, on information and
7 belief, Mad Paws transacts business in the State of Washington insofar as the infringing Mad
8 Paws website at issue in this action is (or was at the time of the infringing acts in question)
9 hosted by Amazon Web Services, Inc., a business unit of Amazon.com, Inc., which is based in
10 Seattle, Washington. This Court also enjoys personal jurisdiction over Mad Paws because this
11 dispute arises from Mad Paws' intentionally tortious conduct—namely, willfully and deliberately
12 infringing Rover's intellectual property—such that Mad Paws has specifically targeted and
13 injured Rover, who resides in this judicial district.

14 5. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part
15 of the events or omissions giving rise to the claim occurred in this judicial district and has
16 harmed Rover's intellectual property located in this judicial district, and under 28 U.S.C.
17 § 1391(c), because Mad Paws is subject to personal jurisdiction in this judicial district, Mad
18 Paws is deemed to reside in this district.

19 **FACTUAL ALLEGATIONS**

20 **A. A Place for Rover**

21 6. Founded in 2011 and based in Seattle, Washington, Rover's website, rover.com,
22 provides a mechanism for pet parents to find trustworthy dog sitters in their community. Through
23 its extensive efforts, Rover has established a large and growing community of dog sitters in
24 thousands of communities throughout the United States.

25 7. Although Rover also offers a mobile app, the rover.com website remains a critical
26 and valuable component of Rover's business. It invested significant resources in creating its
27 website and the HTML underlying it—such materials were created by employees within the

scope of their employment.

8. Rover owns exclusive rights under the Copyright Act for the HTML underlying Rover's website, www.rover.com (the "Rover Work") and has applied to register the copyright in the Rover Work with the United States Copyright Office. Attached hereto as **Exhibit A** is a true and correct copy of the confirmation of filing of the application.

B. Mad Paws and its Infringing Site

9. Mad Paws describes itself as a "start up" in the "pet boarding market" that assists pet owners in finding affordable and trusted pet sitters.

10. Although Mad Paws states that it is based in Sydney, Australia, upon information and belief, Mad Paws has registered its domain, madpaws.com.au, through GoDaddy.com, LLC, a Delaware limited liability company with corporate headquarters in Scottsdale, Arizona. Following is the Whois registry information for madpaws.com.au as of October 15, 2015:



The screenshot shows the Whois website interface. At the top is the Whois logo with the tagline "Identity for everyone". Below the logo is a navigation bar with links: DOMAINS, HOSTING, WEBSITES, EMAIL, SECURITY, WHOIS, and SUPPORT. The main content area displays the "madpaws.com.au registry whois" information, updated 1 second ago. The information is organized into sections: Domain Name, Last Modified, Status, Registrar Name, Registrant, Registrant ID, Eligibility Type, Registrant Contact ID, Registrant Contact Name, Registrant Contact Email, Tech Contact ID, Tech Contact Name, Tech Contact Email, Name Server, Name Server, and DNSSEC. Below this is a section for "related domain names" with links to godaddy.com, ausregistry.com.au, and domaincontrol.com.

madpaws.com.au registry whois	
Domain Name:	madpaws.com.au
Last Modified:	01-Aug-2014 06:19:54 UTC
Status:	clientDeleteProhibited
Status:	clientUpdateProhibited
Registrar Name:	GoDaddy.com, LLC
Registrant:	Mad Paws Pty Ltd
Registrant ID:	ACN 600835425
Eligibility Type:	Company
Registrant Contact ID:	CR173522461
Registrant Contact Name:	Rolf Weber
Registrant Contact Email:	Visit whois.ausregistry.com.au for Web based Whois
Tech Contact ID:	CR173522462
Tech Contact Name:	Rolf Weber
Tech Contact Email:	Visit whois.ausregistry.com.au for Web based Whois
Name Server:	ns53.domaincontrol.com
Name Server:	ns54.domaincontrol.com
DNSSEC:	unsigned

related domain names

godaddy.com ausregistry.com.au domaincontrol.com

11. In addition, upon information and belief, Mad Paws' website, and therefore the content at issue in this action, is hosted by Amazon Web Services, Inc. ("AWS"), a business unit of Amazon.com, a Delaware corporation based in Seattle, Washington.

12. Rover recently learned that Mad Paws had, without Rover's authorization, copied

the copyrighted HTML underlying Rover's website and created an unauthorized reproduction of or derivative work from the Rover website, namely, the infringing Mad Paws website, madpaws.com.au.

13. In fact, as the following screenshot of the source code for Mad Paws' Infringing Site illustrates, in copying Rover's copyrighted HTML, Mad Paws retained "Rover" references appearing in the original Rover HTML:



14. The conduct of Mad Paws constitutes direct and willful infringement of Rover's copyrighted work.

FIRST CAUSE OF ACTION

(Copyright Infringement, 17 U.S.C. § 101 *et seq.*)

15. Rover realleges and incorporates by reference all of the allegations set forth in paragraphs 1 through 14 above.

16. The Rover Work constitutes an original work of authorship and copyrightable subject matter under the laws of the United States.

17. Rover is the sole owner of all exclusive rights in and to the Rover Work and the corresponding application to register the copyright therein.

18. Mad Paws has copied, created derivative works of, distributed copies to the public, and/or displayed publicly the Rover Work without the consent or authority of Rover,

1 thereby directly infringing Rover's exclusive rights under the Copyright Act.

2 19. The foregoing acts of Mad Paws constitute infringement of Rover's exclusive
3 rights in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

4 20. Mad Paws' actions were and are intentional, willful, wanton, and performed in
5 disregard of Rover's rights.

6 21. Rover is entitled to injunctive relief pursuant to 17 U.S.C. § 502. Rover has no
7 adequate remedy at law for Mad Paws' wrongful conduct because, among other things,
8 (a) Rover's copyright is unique and valuable property that has no readily determinable market
9 value, (b) Mad Paws' continued infringement harms Rover such that Rover could not be made
10 whole by any monetary award, and (c) Mad Paws' wrongful conduct, and the resulting damage
11 to Rover, is continuing.

12 22. Rover has been and will continue to be damaged, and Mad Paws has been
13 unjustly enriched, by Mad Paws' unlawful infringement of Rover's copyrighted work in an
14 amount to be proven at trial.

15 23. Alternatively, Rover is entitled to statutory damages under 17 U.S.C. § 504(c),
16 which damages, for the reasons set forth above, should be enhanced in accordance with 17
17 U.S.C. § 504(c)(2).

18 24. Rover is also entitled to recover its attorneys' fees and costs of suit pursuant to 17
19 U.S.C. § 505.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Rover respectfully requests judgment be entered in its favor and against
22 Mad Paws as follows:

23 A. A permanent injunction enjoining and restraining Mad Paws, and all persons or
24 entities acting in concert with it, during the pendency of this action and thereafter perpetually
25 from copying, creating derivative works from, distributing copies of, and/or publicly displaying
26 the Rover Work or any other copyrighted materials;
27

1 B. An award of damages, including but not limited to, compensatory, statutory, and
2 punitive damages, as permitted by applicable law;

3 C. An award to Rover of its costs of suit, including but not limited to, reasonable
4 attorneys' fees, as permitted by applicable law; and

5 D. Such other relief as the Court deems just and proper.

6 Dated this 7th day of March, 2016.

Respectfully submitted,

7 FOCAL PLLC

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18 Attorneys for Plaintiff A Place for Rover, Inc.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, A Place for Rover, Inc.
demands trial by jury in this action of all issues so triable.

DATED: March 7, 2016

FOCAL PLLC

By: s/ Venkat Balasubramani